IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF MARCH
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

WRIT PETITION No.4770 OF 2007

Between:

C.Venugopala Reddy, and others.

..... PETITIONERS

AND

Government of Andhra Pradesh,
Rep. by its Principal Secretary to Government,
Home Department, Secretariat, Hyderabad,
And others.

....RESPONDENTS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
P.SWAROOP REDDY

WRIT PETITION No.4770 OF 2007

O R D E R

(Per Sri Justice J.Chelameswar)

This writ petition is filed with a prayer as follows:

> **"… Hon'ble Court may be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus directing the respondents to count the seniority of the petitioners from the date of appointment i.e. 16-3-1991 as R.S.Is., for the purpose of seniority in the cadre of Civil S.Is. as was counted in respect of similarly situated persons with all consequential benefits including seniority and promotions by holding the action of the Tribunal in not granting similar relief in favour of the petitioners on the strength of the Judgment of the Hon'ble Court in W.P.Nos.19618 of 2005 and W.P.No.22180 of 2004, W.P.No.22176 of 2004 and 25871 of 2006 on 1-3-2007 and also W.P.No.25874 of 2006, dated 6-3-2007 and ordering notice of 8 weeks in O.A.No.1274 of 2007 is as illegal, arbitrary and unjustified and pass …"**

It may not be necessary to go into the factual details of the writ petition, as it was filed aggrieved by the decision of the Tribunal in not granting interim order in a Miscellaneous Application filed along with the O.A.No.1274 of 2007. Normally, such a decision of the Tribunal is not interfered with by this Court in exercise of the jurisdiction under Article 226 of the Constitution, but since it is stated by the learned counsel for the petitioners that the main issue involved in the O.A. itself is no more res integra and covered by a decision of this Court in

W.P.No0.19618 of 2005 and Batch, dated 01.03.2007, we heard the learned counsel for the petitioners. Learned counsel submitted that though this fact was brought to the notice of the Tribunal at the time of hearing of the Miscellaneous Application, the Tribunal still chose to order notice in the matter.

The learned Government Pleader fairly submitted that the main issue involved in the O.A.No.1274 of 2007 is squarely covered by the abovementioned decision of this Court.

In the circumstances, we are of the opinion that no useful purpose would be served in admitting the writ petition at this stage or keeping the O.A.No.1274 of 2007 pending. Therefore, we deem it appropriate to dispose of the writ petition.

Accordingly, the O.A. stands allowed in terms of the judgment of this Court in W.P.No.19618 of 2005 and Batch dated 1st March, 2007.

Office is directed to append a copy of the Judgment in W.P.No.19618 of 2005 and Batch, dated 1st March, 2007, to this writ petition.

JUSTICE J.CHELAMESWAR

JUSTICE P.SWAROOP REDDY

8th MARCH, 2007

Note: Issue copy by today itself.

(B/O)PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
P.SWAROOP REDDY

WRIT PETITION No.4770 OF 2007
(Per Sri Justice J.Chelameswar)

8TH MARCH, 2007